

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85033 of 2025

Arising Out of PS. Case No.-553 Year-2023 Thana- BANKA District- Banka

Sanjay Yadav @ Sanjay Kumar Son of Lalu Yadav Resident Of Village -
Katoriya Chapar, P.S. - Banka, Dist. - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 09-02-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Banka
P.S. Case No. 553 of 2023 instituted for the offence under
Sections 302 & 34 of the Bharatiya Nyaya Sanhita, 2023.
Earlier vide order dated 19.03.2025, passed in Cr. Misc. No.
4482 of 2025, regular bail of the petitioner was rejected by this
Court.

3. Prosecution case in short is that sister of the
informant has been done to death at her matrimonial house by
her in-laws.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 09.08.2024. Petitioner



bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is the husband of the deceased. There is no specific allegation attributed to the petitioner, rather allegation is general and omnibus in nature. It is submitted that petitioner has suffered long incarceration, hence, he deserves the privilege of bail.

6. A report was called for from the Court below and it is reported that one (1) out of six (6) prosecution witnesses have been examined in this case.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is fervently submitted that petitioner, being the husband of the deceased, bears the onus of explaining the circumstances leading to her death. Learned APP has further relied upon a decision of the Hon'ble Apex Court reported in **2024 SCC Online SC 3539 (X. vs. State of Rajasthan & Anr.)**, wherein in paragraph No.14, Hon'ble Apex Court has observed as under:

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial



commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”

8. Considering the aforesaid facts and circumstances of the case and taking into account the fact that petitioner, being the husband of the deceased, bears the onus of explaining the circumstances leading to her death as also the fact that trial has commenced, this Court is not inclined to grant bail at this stage. Prayer for bail is hereby ***rejected***.

9. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

10. However, petitioner will be at liberty to renew his prayer for bail, if the trial is not concluded within a period of six months from the date of receipt/production of a copy of this order.

(Rudra Prakash Mishra, J)

Raj Kishore/-

U		T	
---	--	---	--

